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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

GREATER NAPA FAIR HOUSING
CENTER, a California Not for Profit
Corporation, doing business as
FAIR HOUSING NAPA VALLEY, as
an individual entity only; RUBY
DUNCAN, an incompetent adult, by
and through her Guardian Ad Litem,
M. LOUISE WHITAKER; and EVA
NORTHERN, an incompetent adult,
by and through her Guardian ad
Litem, NANCY NORTHERN,
each individually and on behalf of
individuals similarly situated;
NANCY NORTHERN, in her
individual capacity only; and M.
LOUISE WHITAKER, in her
individual capacity only,

Plaintiffs,

vs.

HARVEST REDWOOD
RETIREMENT RESIDENCE, L.L.C.,
doing business as Redwood
Retirement Residence; REDWOOD
RETIREMENT RESIDENCE L.L.C.;
and HOLIDAY RETIREMENT CORP.,

Defendants.

Case No. C07-3652 MEJ

[PROPOSED] ORDER ISSUING
PRELIMINARY INJUNCTION

HEARING:

Date: September 6, 2007
Time: 10:00 a.m.
Place: 450 Golden Gate Ave.,
Courtroom B, 15th Floor

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[PROPOSED] ORDER GRANTING PRELIMINARY INJUNCTION

This matter came for hearing before the Court on plaintiffs' motion for a preliminary injunction. Having given full consideration to all of plaintiffs' papers, evidence, and relevant authorities, all of defendants' responses thereto, and the oral presentations of counsel, and good cause appearing, in accordance with Rule 65 of the Federal Rules of Civil Procedure, it is HEREBY ORDERED as follows:

1. Plaintiffs' motion for issuance of a preliminary injunction is granted. Plaintiffs have demonstrated a combination of probable success on the merits and the possibility of irreparable injury, or (2) the existence of serious questions going to the merits and the balance of hardships tipping in plaintiffs' favor. *Warsoldier v. Woodford*, 489 F.3d 989, 993-4 (9th Cir. 2005) (quoting *Nike, Inc. v. McCarthy*, 379 F.3d 576, 580 (9th Cir. 2004)).

2. The Court immediately enjoins defendants and their successors, agents, officers, servants, employees, attorneys and representatives and all persons acting in concert or participating with them by:

(A) requiring defendants to formally withdraw any pending eviction notices against class members who have disabilities, or who are perceived as having disabilities, or who have a record of having a disability;

(B) requiring that defendants eliminate any written or oral policies requiring that Redwood residents be able to maintain an "active" lifestyle or be "independent" and any other written or oral policies limiting tenancy or any program at Redwood Retirement Residence, LLC (Redwood) based on residents' disabilities;

(C) requiring that defendants eliminate the "meal tray" policy and any other charges or penalties that Redwood applies to residents with disabilities who use the services of caregivers; and

(D) requiring defendants to refrain from making any discriminatory statements relating to the disabilities of residents or prospective residents.

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3. Defendants shall file with the Court and serve upon plaintiffs' counsel within thirty days of the entry of this Order an affidavit or declaration attesting to and detailing defendants' compliance with it.

4. No bond is required. The balance of hardships favors plaintiffs, while Defendants do not face a likelihood of financial or other harm from complying with this injunction. *Jorgensen v. Cassidy*, 320 F.3d 906, 919 (9th Cir. 2003); *Barahona-Gomez v. Reno*, 67 F.3d 1228, 1237 (9th Cir. 1999).

IT IS SO ORDERED.

DATED: _____

THE HONORABLE MARIA-ELENA JAMES
U.S. MAGISTRATE JUDGE

PROOF OF SERVICE

I am over the age of 18 and am not a party to the within action. My business address is 8205 Pescadero Road, Loma Mar, California 94021.

On August 2, 2007, I served a true and correct copy of the following document(s):

(1) NOTICE OF MOTION AND MOTION FOR ISSUANCE OF PRELIMINARY INJUNCTION; MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF PLAINTIFFS' MOTION; (2) DECLARATIONS OF CELESTIA AMBERSTONE, LIZA CRISTOL-DEMAN, NANCY NORTHERN, SALVE PENALES, THOMAS W. THORNTON, PRISCILLA VALENCIA, MAE LOUISE WHITAKER, AND KATHRYN J. WINTER IN SUPPORT OF PLAINTIFFS' MOTION FOR ISSUANCE OF PRELIMINARY INJUNCTION; EXHIBITS; (3) [PROPOSED] ORDER ISSUING PRELIMINARY INJUNCTION

upon the following person(s):

Defendants' Agent for Service of Process, CT Corporation System, 818 West Seventh Street, 2nd Floor, Los Angeles, CA 90017, (by mail only); and,

Kurt A. Franklin, Hanson, Bridgett, Marcus, Vlahos, Rudy LLP, 425 Market Street, 26th Floor, San Francisco, CA 94105 (by mail and electronic mail)

	BY HAND DELIVERY: By causing such document(s) to be delivered by hand to the above person(s) at the address(es) set forth above.
xx	BY MAIL: By placing a copy thereof enclosed in a sealed envelope, with postage thereon fully prepaid, in the United States mail at Loma Mar, California, addressed as set forth above.
	BY THIRD-PARTY COMMERCIAL CARRIER (OVERNIGHT DELIVERY): By delivering a copy thereof to a third-party commercial carrier, addressed as set forth above, for delivery on the next business day.
xx	BY ELECTRONIC MAIL: By transmitting the above document(s) to the email address of the person designated above, or by electronically filing the documents on the Court's ECF system.
	BY FACSIMILE: By transmitting the above document(s) to the facsimile number(s) of the addressee(s) designated above.

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1 I certify that I am employed in the office of a member of the bar of this court at
2 whose direction the service was made.

3 Executed on August 2, 2007, Loma Mar, California.

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